



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



RECEIVED

May 23, 2002

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LEGAL UNIT

Ms. Gail Brewer
Scotia Technology, Division of Laconia
477 Province Road
P.O. Box 1190
Laconia, NH 03246-1190

Subject: Scotia Technology's (ST) Response to LOD No. WD WWEB/C 02-02

Dear Ms. Brewer:

The New Hampshire Department of Environmental Services Water Division Wastewater Engineering Bureau (DES) received your response regarding ST's Letter of Deficiency (LOD) Number 02-02. After reviewing the submittal, DES notes that ST did not submit a written response indicating what corrective measures have been taken to avoid future reoccurring deficiencies identified in the LOD.

DES believes the above-mentioned item can be submitted by **June 3, 2002**, and again requests that you respond by this date. Please send the written response to NHDES/WD-WWEB, Attention: **Thomas J. Croteau, P.O. Box 95, 6 Hazen Drive, Concord, NH 03302-0095**. In the event that a response is not received by the above date, further State and/or Federal action may be initiated. Further action may include issuing an order, initiating an administrative fine proceeding and/or seeking civil or criminal penalties.

Scotia remains responsible for complying with all applicable requirements, whether found in statutes, rules, or applicable permit(s), regardless of whether violations of the requirements were identified during this or any other file review or during a facility inspection.

Sincerely,

COPY

John R. Bush, P.E.
Administrator
Wastewater Engineering Bureau

TJC/tc

Cc:
Sharon Ducharme, P.E., Supervisor, Compliance Section, WWEB
Thomas J. Croteau, DES Environmental Inspector
Gretchen Rule, DES Enforcement Coordinator
Joy Hilton, USEPA Water Technical Unit

CERTIFIED MAIL/RRR: 7099 3400 0003 0688 0924



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Ms. Gail Brewer
Scotia Technology, Division of Laconia
477 Province Rd.
P.O. Box 1190
Laconia, N.H. 03247-1190

LETTER OF DEFICIENCY
WD WWEB/C 02-02
April 30, 2002

Subject: Review of Discharge Monitoring Reports (DMR) submitted by Scotia Technology (Scotia).

Dear Ms. Brewer:

The NH Department of Environmental Services, Water Division, Wastewater Engineering Bureau (DES) is in receipt of your February 2002 DMR. In reviewing Scotia's DMR report, DES noted some deficiencies/violations. They are as follows:

- The DMR was not signed by an authorized or a duly authorized agent of the company. In accordance with EPA's NPDES Permit Program Instructions – Report Year 2002, Chapter 1, Section 12 on page 5, this section states that "If an authorized agent is signing the DMR, a written authorization must be provided to EPA. Should a duly authorized agent sign and certify the DMR form, a written authorization must be submitted to EPA in accordance with 40 CFR 122.22 (b) (1), (2), and (3)." For further clarification, an authorized agent can be a General Partner or Proprietor, President, VP, etc. and a duly (delegated) authorized agent can be a Plant Manager or Engineer, or an individual or position having overall responsibility for environmental matters of the company. DES has no record on file which authorizes Mr. Ed Mosher to sign these forms. Please forward a written authorization letter to EPA and a copy to Thomas J. Croteau at DES. Please be advised that this authorization letter is required to be submitted each year in January. If you need a copy of the DMR instructions, they are available from EPA's web site at www.epa.gov/region01/compliance/enfdmr.html
- 2 The February 2002 DMR was received twenty-one days late (this report was postmarked April 4, 2002 rather than by March 15, 2002). All DMRs are required to be post marked and submitted by the fifteenth day of the month following the monitoring period. Submitting late reports has occurred several times during the past year or so.
 - 3 The February 2002 DMR submitted was incomplete. That is, the UNITS columns were left blank. In accordance with the DMR instructions, this information (i.e. SU, Deg. GPD or MGD, etc.) must be provided for each parameter to be considered complete. This omission has also occurred several times during the past year or so.

Mr. Thomas J. Croteau, of my staff, spoke with Mr. Mosher on August 21, 2001 about the need of completing the DMR correctly, including an explanation for any permit violations (i.e. pH). Please correct all 2002 DMRs to date and forward the amended DMRs to EPA and DES. The proper procedure for submitting a corrected DMR is to make insertions, deletions or corrections to a photo copy of the original submitted DMR. If any of the original data is to be deleted, you must strike it out and initial the deletions. Please re-sign and re-date each corrected DMR.

Please be advised that EPA and DES document the above deficiencies as violations of the NPDES program requirements and that DES will continue to monitor the Facility's compliance status. This letter does not provide relief against any existing or future violations.

DES believes that the deficiencies listed above can be corrected by **May 15, 2002**, and requests that you respond by this date indicating what corrective measures have been taken to avoid future reoccurrences. Please send the written response to NHDES/WD-WWEB, Attention: Thomas J. Croteau, P.O. Box 95, 6 Hazen Drive, Concord, NH 03302-0095. In the event that a response is not received by the above date, further State and/or Federal action may be initiated. Further action may include issuing an order, initiating an administrative fine proceeding and/or seeking civil or criminal penalties.

The deficiencies identified in this letter are those that were observed by the inspector during the review of DMRs. Scotia remains responsible for complying with all applicable requirements, whether found in statutes, rules, or applicable permit(s), regardless of whether violations of the requirements were identified during this or any other file review or during a facility inspection.

Sincerely,

 **COPY**

John R. Bush, P.E.
Administrator
Wastewater Engineering Bureau

TJC/tc

Cc:

Sharon Ducharme, P.E., Supervisor, Compliance Section, WWEB
Thomas J. Croteau, DES Environmental Inspector
Gretchen Rule, DES Enforcement Coordinator
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